

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.17245 of 2013
Date of Decision:-12.02.2015**

Chandigarh Administration Aided Retired College Employees Association

...Petitioner

Versus

Chandigarh Administration and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. R.D. Anand, Advocate
for the petitioner.

None for respondents No.1 and 2.

Mr. R.S. Cheema, Advocate
For respondent No.3.

Mr. R.S. Ahluwalia, Advocate
for respondents No.6 and 7.

HEMANT GUPTA J.(Oral)

The petitioner is an association of retired employees of aided privately managed colleges in Chandigarh. The college, from which the petitioners retired, are said to be receiving 95% Grant-in-aid from Chandigarh Administration.

The grievance of the petitioner is that the teaching and non-teaching employees of Government college institutions working in Chandigarh are governed by the service conditions applicable to similar other employees in the State of Punjab, Haryana and Chandigarh Administration and that non-Government privately managed colleges/institutions are granted 95% from the Chandigarh Administration and their service conditions are governed by the Punjab University Act, 1947. It is also pointed out that after long

time struggle of employees working in the colleges in the State of Punjab and Union Territory, resulted in the decision of the State of Punjab to grant retiral benefits in the form of pension and gratuity in lieu of the Contributory Provident Fund to the employees of privately managed aided colleges under the Scheme called "The Privately Managed Affiliated and Punjab Government Aided College Pensionary Benefit Scheme, 1996", w.e.f. 1.4.1992. The petitioners have sought the implementation of the said Scheme as incorporated in the Punjab Affiliated College (Security of Service of Employees) Act, 1974 as amended on 26.4.1999.

The present writ petition was ordered to be heard along with CWP No.7398 of 2013 titled 'Punjab Aided Colleges Retired Employees Association and another vs. State of Punjab and others' wherein the writ petition filed by the Association of employees of Government Aided private colleges in the State of Punjab was pending before this Court challenging the enactment of the Punjab Privately Managed Affiliated & Punjab Government Aided Colleges Pensionary Benefits Scheme, 1996 (Repeal) Act, 2012 (Act No.16 of 2013). The said writ petition stands dismissed vide separate order of today.

In view of the said fact, we deem it appropriate to direct the Chandigarh Administration to take a decision as to the applicability of the 1996 Scheme or the Act as considered appropriate in accordance with law within six months from the day the copy of the order is received by them.

The writ petition is disposed of.

(HEMANT GUPTA)
JUDGE

February 12, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE